

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MYRDUS ARCHIE,

Plaintiff(s),

vs.

SHERYL FOSTER, *et al.*,

Defendant(s).

2:10-cv-1968-RLH-NJK

ORDER
(Re: Status Report (#25))

On October 23, 2012, Petitioner filed a *pro se* motion to withdraw counsel (#18), which was opposed by Defendants (#19). Because Petitioner had previously, on July 11, 2011, through counsel, requested a stay, pending disposition of pending state court proceedings, her motion to withdraw counsel was denied, without prejudice to renew the motion once this matter was reopened. This Court also directed Petitioner's counsel (who is also her counsel in state court) to provide this Court with a Status Report.

Petitioner's counsel, Beau Sterling, filed this present Status Report (#25) on April 30, 2013, representing that on November 1, 2012, the Eighth Judicial District Court of the State of Nevada entered *findings of Fact, Conclusions of Law, and Order*, denying Ms. Archie any relief and finally disposing of her state court petition for post-conviction relief, which also included claims of ineffective assistance of counsel. Petitioner elected not to appeal that decision.

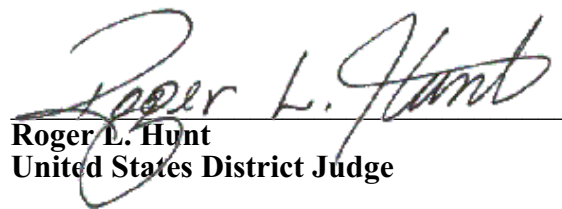
Accordingly, the matter has been finally concluded in the state court and Mr. Sterling requests 30 days, from April 30, 2013 to May 30, 2013, to consult further with Ms. Archie with

1 regard to how she would like to proceed in this matter and to file and serve her amended petition in
2 this Court.

3 The Court will grant counsel's request, but also grant the Petitioner the right to, in the
4 alternative, renew her motion to withdraw counsel. Thus, Mr. Sterling will have the requested time to
5 try to convince Ms. Archie that he should remain her counsel and also provide his assistance in how
6 to proceed in this matter. If he is unable to convince her to retain his services, she may, on or before
7 May 30, 2013, file a new motion to dismiss her appointed attorney. Should she elect the latter, she is
8 advised by this Court that her original motion to withdraw counsel would have been denied as
9 presenting insufficient grounds to do so. Therefore, she should modify such request to meet the
10 objections stated in the Defendants' Response to her first motion.

11 IT IS SO ORDERED.

12 Dated: May 2, 2013.

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15 **Roger L. Hunt**
16 **United States District Judge**
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